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Attorneys for Defendant
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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA,
 	
                    Plaintiff,
 	
    v.
 	
SHENG THAO, ANDRE JONES, DAVID TRUNG DUONG, and ANDY HUNG DUONG,
 	
                Defendants.
	Case No. 4:25-CR-00003-YGR
	
	REPLY DECLARATION OF NEAL J. STEPHENS IN SUPPORT OF DAVID DUONG'S MOTION TO MODIFY FILTER TEAM PROTOCOL
	
	Hearing Date: April 24, 2025
	Hearing Time: 10:30 a.m.
	Judge: Hon. Yvonne Gonzalez Rogers
	Courtroom: 1, 4th Floor

I submit this Declaration in support of Defendant David Duong's Reply Motion to Modify Filter Team Protocol. I am over 21 years of age and am competent to testify to the following facts and opinions, all of which are true and correct to the best of my knowledge, information, and belief.

1. Attached as Exhibit A is a legend of the office space at CWS drafted by an IRS Agent related to the search of the office space at CWS and produced by the government in discovery. David Duong's office is listed as Room G, Kristina Duong's (CFO) office is listed as Room U, David Kennedy's (HR Manager) office is listed as Room W, and the CWS's Server Room is listed as Room B.

2. Attached as Exhibit B is an inventory drafted by IRS related to the execution of the search at CWS and produced by the government in discovery. The inventory notes that the IRS seized materials from the offices of David Duong (at pgs. 2, 4-5, 13-15), Kristina Duong (at pgs, 5, 12), David Kennedy (at pgs. 11, 17) and the Server Room (at pgs. 16-17).

3. Attached as Exhibit C is a Memorandum from the U.S. Attorney's Office in the Eastern District of Kentucky dated December 21, 2018 regarding "Office Policy on Implementation and Use of Filter Teams." On page 1 and 2, the memo summarizes the best practices recommended by DOJ's Professional Responsibility Advisory Office ("PRAO"). The memo can be found publicly at https://www.nacdl.org/getattachment/72c56e65-9574-4ee9-beb3-c9dba7591b6c/2018-12-21_edkypolicyonfilterteams.pdf.

4. To date, the filter team has not returned any privileged material identified in its filter team process—either paper documents or electronic documents—to counsel for David Duong.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 10, 2025 at Palo Alto, California.

Neal J. Stephens

STEPHENS DECL ISO DAVID DUONG'S MTN TO
MODIFY FILTER TEAM PROTOCOL
CASE NO. 4:25-CR-00003-YGR

CERTIFICATE OF SERVICE

I, Trudy Carney, declare:

I am a citizen of the United States and employed in Santa Clara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Silicon Valley Office, 1755 Embarcadero Road, Palo Alto, California 94303. On April 10, 2025, I served a copy of Reply Declaration of Neal J. Stephens in Support of Defendant David Duong's Motion to Modify Filter Team Protocol by electronic transmission.

I am familiar with the USDC Northern District's practice for collecting and processing electronic filings. Under that practice, documents are electronically filed with the court. The court's CM/ECF system will generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered users in the case. The NEF will constitute service of the document. Registration as a CM/ECF user constitutes consent to electronic service through the court's transmission facilities.

Executed on April 10, 2025, Palo Alto, California.

Trudy Carney

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